

## Message

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**From:** Kazempoor, Kelly [kazempoor.kelly@epa.gov]  
**Sent:** 7/12/2019 6:59:09 PM  
**To:** AO OPA OMR CLIPS [AO\_OPA\_OMR\_CLIPS@epa.gov]  
**Subject:** Daily News Clips 7/12/19

### EPA

Greenwire: Telework changes rattle workforce  
Greenwire: EPA has no record of another task force Pruitt touted  
Politico: EPA sends rule to rein in state CWA authority for interagency review  
E&E News: Senate approves EPA solid waste pick  
E&E News: EPA calls for coordination as it delegates more to states  
Bloomberg Environment: EPA Clarifies Its Enforcement Relationship With States

### Mining

Bloomberg Environment: Mining Company Says 'No' to EPA Order to Clean Up Colorado Site

### Climate

Climatewire: Science critics angered by scrapped climate panel

### Chemicals

Politico: House approves first batch of PFAS amendments  
Politico: Blumenthal weighing hold against FAA nominee  
San Francisco Chronicle: Trump escapes blame for ethanol policy hurting corn farmers  
Bloomberg Environment: EPA Eliminates Some Restrictions on Bee-Killing Pesticide  
Washington Post: EPA reverses ban on pesticide seen as threat to bees  
Politico: EPA restores use of sulfoxaflor for variety of crops  
Greenwire: EPA expands use of bee-killing chemical  
Bloomberg Environment: House Defense Vote Sets Up Bicameral Faceoff Over PFAS, Climate  
Politico: House passes defense bill with provisions on Chinese rail cars, drones and airport chemicals  
The Hill: EPA expands use of pesticide considered 'very highly toxic' to bees

### Campaign 2020

Greenwire: Buttigieg racial inequality plan includes green justice push

## EPA

### Greenwire

**Telework changes rattle workforce**

<https://www.eenews.net/greenwire/stories/1060730383/search?keyword=EPA>

**Kevin Bogardus, E&E News reporter**

EPA employees are scrambling to rejigger work schedules to meet new telework limits under a contract imposed by agency managers.

On Monday, EPA began implementing its new contract with American Federation of Government Employees Council 238, the agency's largest union, which represents more than 8,000 EPA employees. The union has protested the move, saying it wasn't bargained by their negotiators and has been forced on staff.

Among the deal's changes garnering backlash from staff are new restrictions on telework. Employees represented by the union will have to rework commutes and child care to be in line with the new contract.

"People are anxious and feeling quite demoralized," said Britta Copt, president of AFGE Local 3607, which represents EPA Region 8 employees. "I know they are people in my office who are worried on how they are going to handle their family life without the ability to telework the same schedule."

She added, "I have had people tell me that they're considering retiring because they don't know if they can keep up that kind of schedule."

Under the council's prior telework agreement with EPA, employees regularly could work remotely for no more than two days per week.

Under the new contract being implemented this week, employees who perform regular telework must report to their worksites a minimum of four days per week.

"Maxiflex scheduled days off, compressed days off and regular telework days will count as a day away from the official worksite for the purpose of this requirement," says the provision affecting regular telework.

One day of telework per week will be an abrupt shift for many EPA staff.

"It affects my family tremendously," said an EPA employee, saying they and their spouse built their lives around EPA having a great work-life balance.

"We do not consider it a contract — it's a directive being forced upon us," said the employee. "We now have to figure out who will go in early, who will come home late. We won't really have family time anymore because we now have to adjust to this anti-federal worker policy."

The employee added that they are considering using leave to make their schedule work.

Jeanne Schulze, president of AFGE Local 1003, which represents EPA Region 6 employees, also referenced how federal employees use the flexibility of telework to care for their children, such as taking them and picking them up from school or day care.

"I think that's especially true for two fed employee families, because one would telework two days per week, while the other one would telework the other two days per week. Then one might be off on the fifth day. That gave them maximum work-life balance," Schulze said.

Other union officials said telework changes have upset staff at the agency.

"I had three mothers crying on my shoulder," said Nicole Cantello, president of AFGE Local 704, which represents EPA Region 5 employees. "Telework is the one that is driving everyone crazy."

EPA officials have defended the new agreement, saying they have sought to renegotiate AFGE's deal since 2010. Talks have been off and on, including litigation, since then, and in May last year, the agency gave notice it wanted to start negotiations again. After EPA said the union declined to negotiate last month, the agency moved forward with this contract over the union's objections (Greenwire, June 26).

#### 'Tough transition'

Several program and regional offices at EPA scheduled all-hands meetings with staff earlier this week to discuss the contract, according to internal emails obtained by E&E News. Acknowledging the deal's telework and work schedule impact on employees, leaders urged employees to implement those provisions within the next month.

"The articles contain terms that will likely impact the majority of staff," said Donna Vizian, who leads EPA's Office of Mission Support, in one email. "Managers and employees are required to comply with the provisions in these articles as soon as possible, but absolutely no later than the pay period beginning August 4, 2019."

Vizian concluded her email, "We recognize that this will be a tough transition for the Agency and appreciate your support and patience as we move forward with the implementation of this Contract."

EPA has encouraged telework by its employees in the past. One fiscal 2011 action plan said the agency wanted to boost the number of EPA employees' hours teleworked by 10%.

Working remotely is also seen as beneficial for the environment. A 2016 Government Accountability Office study said EPA reported "avoiding 10,791 telework-related metric tons of carbon dioxide emissions in 2014 as compared to 2011."

"The telework policy was also cutting down on commuting days and cars on the road. It was considered a more green option than everyone driving in every day," Copt said.

The agency also has taken implementing telework seriously. A 2017 EPA Inspector General report found that 97% of respondents to its survey of managers and supervisors had the required training to oversee telework.

Vizian said in her email that the contract only affects AFGE bargaining unit employees. That means EPA employees represented by other unions as well as managers may enjoy greater telework privileges than their colleagues.

"The big functional question is we now have several very different policies between different unions and non-bargaining employees, so the question for a lot of folks is, do we keep letting some employees and managers enjoy significantly more flexible work-life balance while enforcing a much stricter one on one set of staff?" said another EPA employee.

"And the fact that nobody is standing up and explaining why this is happening or who is calling the shots — it's just being done by fiat. It's cruel."

Other unions have taken notice of the dispute between AFGE and EPA.

The National Treasury Employees Union represents about 2,100 employees in EPA's Washington, D.C., headquarters and some of the agency's regional offices. Under the union's current collective bargaining agreement with EPA, which runs to October this year, employees have a full-time telework option.

"This is yet another attempt by the administration to ram through management language that guts a union contract and makes popular and beneficial employee benefits open to the whims and discretion of managers," said NTEU National President Tony Reardon in a statement about the dispute between AFGE and EPA.

"NTEU is committed to fighting for a return to good faith bargaining across the federal government and creating working environments that benefit employees and agency missions."

Under the Trump administration, other agencies, like the Department of Health and Human Services and the Social Security Administration, have imposed contracts over union protests. That has grabbed Capitol Hill's attention.

Last month, the House passed H.R. 3351, the financial services and general government spending bill, which included a provision that would withhold funds from enforcing collective bargaining agreements that were "not mutually and voluntarily agreed to by all parties to the agreement," with an effective date after April 30 this year.

A House Democratic aide said the measure was meant to block "non-agreed contracts on federal employees." The aide noted that such labor disputes wind up at the Federal Service Impasses Panel, which is composed of only Republican members.

"Instead of a contract emerging as the result of good-faith collective bargaining negotiations, the agencies are simply imposing a unilaterally determined new contract on the union after it gets blessed by the partisan Impasse Panel. This provision stops that," the aide said.

The aide added, "To the extent that the agreement with the EPA and AFGE Council 238 was not agreed by all parties, this provision could block it."

Unions ready for 'sacrifice'

Other changes are afoot under the new contract imposed by EPA.

Union officials will have to spend 75% of their paid time doing agency business. They also can no longer use agency equipment for union activities. That has already led to some awkward interactions with managers.

Union office sign. Photo credit: AFGE Local 1003 President Jeanne Schulze

An union office in EPA's Region 6 office in Dallas displays a sign counting down until union officials have to move. AFGE Local 1003 President Jeanne Schulze

Cantello with AFGE Local 704 said EPA management tried to contact her on her EPA email account. She had to tell them that she couldn't respond under terms of the new contract

"They can't communicate to me through EPA email," Cantello said. "Under the contract, we cannot use any EPA device, even de minimis use."

In addition, unions affiliated with AFGE will have to vacate EPA office space no later than 30 days from the contract's effective date. In Dallas, Schulze with AFGE Local 1003 has set up a sign to show how many days are left until the union has to move.

"We won't have any privacy when we meet with employees. That is a big concern, a lack of privacy. People don't want everyone to know they're meeting with the union. So we will have to get creative when and where we meet," she said.

Schulze said she is looking at a storage unit near her home to rent month-to-month to store union records. In addition, her union has already set up a private email and phone number to communicate with EPA employees.

"Everyone is going to have to be flexible and sacrifice if we are going to make it through this time," Schulze said.

## **Greenwire**

### **EPA has no record of another task force Pruitt touted**

<https://www.eenews.net/greenwire/stories/1060730305/search?keyword=EPA>

**Sean Reilly, E&E News reporter**

EPA can't find written evidence of a task force designed to overhaul the agency's New Source Review permitting program that former Administrator Scott Pruitt described to a congressional panel in late 2017.

"There is a task force internal to the agency to address NSR steps going forward in 2018. It is a very important area as you have indicated," Pruitt told Rep. Morgan Griffith (R-Va.) during a hearing of the House Energy and Commerce Subcommittee on Environment.

EPA now says, however, there is no record of the task force's membership or purview.

"A search of the EPA's Office of Air and Radiation and the Office of the Administrator for records responsive to your request produced no responsive records," Elizabeth White, director of EPA's Office of the Executive Secretariat, wrote this week in reply to an E&E News' Freedom of Information Act request filed shortly after Pruitt's testimony.

Pruitt resigned under pressure last July; he did not reply to an email yesterday sent to an intermediary asking whether the task force was ever created. EPA press aides also did not respond to questions about the task force's existence and the lack of documentation.

But the episode falls into a pattern of Pruitt initiatives that left behind little or no discernible paper trails.

"It's very much in keeping with the presidential strategy of making grand, sweeping announcements before there's an actual plan to go forward with them," said Kevin Bell, staff counsel for Public Employees for Environmental Responsibility (PEER), an advocacy group that has repeatedly clashed with the Trump administration over records issues.

In May 2017, for example, Pruitt said he had "sent out a directive" across EPA to curb the practice that critics dubbed "sue and settle." In response to another E&E News records request, however, EPA officials later conceded the directive had been "oral," unaccompanied by a formal written document (Greenwire, July 3, 2017).

The next month, Pruitt announced he had created an "Ozone Cooperative Compliance Task Force" to help states with implementation of the 2015 ozone standards. But thousands of pages of records since released to E&E News show no direct evidence of the task force's existence or activities. Asked in late 2017 about the group's membership, Brittany Bolen, a top policy official at the agency, declined to comment on the grounds that it was an "internal task force" (Greenwire, Dec. 20, 2017).

And when PEER sued the same year to obtain internal records of the Superfund Task Force created by Pruitt to recommend improvements to the toxic site cleanup program, a Justice Department official acknowledged in an email that the group kept no minutes of its meetings and there were no selection criteria for members, all of whom were EPA volunteers.

In a report last month, EPA's inspector general concluded the agency complied with applicable record-keeping requirements in documenting the Superfund Task Force's decisions but could have been more open about the process and the qualifications of task force members (E&E News PM, June 24).

In his December 2017 appearance before the Energy and Commerce Subcommittee on Environment, Pruitt would have had reason to highlight his eagerness to explore changes to New Source Review requirements. The Clean Air Act program requires industries to get pre-construction permits before undertaking plant upgrades or expansions that could lead to significant increase in air pollution.

Environmental groups see the program as a bulwark for maintaining air quality. Business groups and Republican lawmakers, however, describe New Source Review as a cumbersome regulatory impediment. The program is of particular interest to Griffith, who has introduced legislation to ease the threshold for triggering NSR permitting requirements.

But while EPA has since pressed ahead with a series of administrative changes to the program, most were known priorities of air chief Bill Wehrum, who recently resigned. A Griffith spokesman had no further insight.

"While our office has worked with the EPA on New Source Review reform, we are not familiar with any activities of this task force," Kevin Baird said yesterday in an email.

## **Politico**

### **EPA sends rule to rein in state CWA authority for interagency review**

<https://subscriber.politicopro.com/article/2019/07/epa-sends-rule-to-rein-in-state-cwa-authority-for-interagency-review-3571420>

**BY ANNIE SNIDER**

EPA has sent for interagency review a proposal aimed at reining in states' ability to veto energy infrastructure projects over their impacts on water quality.

President Donald Trump called for the proposed rule in a April executive order, which was triggered by moves from Democratic governors in New York and Washington that used their authority under the Clean Water Act to block pipeline and coal export projects. Under the order, EPA has until August to propose the rule and until next May to finalize it.

Last month EPA took a first step on the topic by issuing guidance to states for implementing their authority under a section of the 1972 water law, which calls for states to certify that a project won't prevent them from meeting water quality standards. That updated guidance shortens the length of time states have to review project proposals and limits the scope of issues they can consider. It also floats the possibility that EPA or other federal permitting agencies could overrule states if the federal government believes the state has acted beyond the bounds laid out in the guidance.

But the guidance has limited force; a rule that has gone through the formal rulemaking process is much more influential with courts.

### **E&E News**

#### **Senate approves EPA solid waste pick**

<https://www.eenews.net/eenewspm/stories/1060726529/search?keyword=EPA>

**Ariana Figueroa, E&E News reporter**

The Senate voted 52-38 this afternoon to confirm the president's nominee to lead EPA's Superfund and waste programs.

The party-line roll call on Peter Wright came more than a year after the White House nominated the former Dow Chemical Co. managing counsel to serve as EPA assistant administrator for the Office of Land and Emergency Management.

Senate Democrats raised concerns over Wright's nomination because of his history as a top lawyer for nearly 20 years with Dow, which recently merged with DuPont Co. to form DowDuPont Inc.

Senate Environment and Public Works ranking member Tom Carper (D-Del.) wanted leaders to delay Wright's confirmation process because of concerns from the White House Office of Government Ethics about financial disclosures. The office found Wright owned Dow stock until March 12.

"I strongly believe that we must afford OGE, the Office of Government Ethics, and EPA the opportunity to complete their investigation into this manner and share all relevant information," Carper said on the Senate floor.

Carper previously worked to secure Wright's nomination under an agreement with then-EPA Administrator Scott Pruitt for per- and polyfluoroalkyl substances (PFAS) to be designated as hazardous under the Superfund law.

The Democrat said that he hoped he could work with EPA on a "commonsense agreement on the need to clean up widespread PFAS contamination."

Carper added, "Despite Scott Pruitt's commitment to move forward with the designation of PFAS as a hazardous substance under the Superfund law, under Peter Wright's watch the EPA has not ever proposed to do that, let alone finalize the action." The agency has pushed back on claims of a deal.

EPA Administrator Andrew Wheeler slammed Democrats for delaying Wright's confirmation. "It's a shame we had to wait this long to get a good and highly qualified man like Peter into a critically important public service position," Wheeler said.

## **E&E News**

### **EPA calls for coordination as it delegates more to states**

<https://www.eenews.net/eenewspm/stories/1060726429/search?keyword=EPA>

**Corbin Hiar, E&E News reporter**

EPA aims to increase coordination with states around environmental enforcement and delegate much of that process to state regulators, the agency announced today.

The new policy, laid out in a memorandum from enforcement chief Susan Bodine, specifically calls for more regular joint planning of inspections and enforcement.

It also more clearly defines EPA's oversight position in the enforcement process and includes best practices for resolving disputes.

"EPA will generally defer to a state as the primary implementer of inspections and enforcement," the memo says. Some of the exceptions to that rule are "emergency situations," instances where state resources or expertise are lacking, or "where a state is not taking timely and appropriate action."

The policy calls for disputes to "be resolved whenever possible" by EPA and state career managers, Bodine wrote.

If that's not possible, "the matter should be elevated within thirty days for resolution by regional and state senior management." Any lingering issues should be brought within 60 days by regional EPA administrators or state environmental chiefs to Bodine for a decision.

The memo replaces a set of interim and draft guidelines that the Trump EPA put out for public comment and includes input from a 2017 workshop with the Environmental Council of the States, a coalition of state regulators.

"The policy reflects the dialogue we have had with our state partners on enhancing our work together," Bodine said in a statement. The enforcement changes will "more effectively achieve our shared goal of increasing compliance with environmental regulations."

The new policy comes amid a broad drop in enforcement numbers under the Trump administration, which says that's due to greater upfront compliance with environmental laws (Energywire, Feb. 11).

## **Bloomberg Environment**

### **EPA Clarifies Its Enforcement Relationship With States**

<https://news.bloombergenvironment.com/environment-and-energy/epa-clarifies-its-enforcement-relationship-with-states>

**Stephen Lee**

New guidance seeks to codify, streamline relationship between EPA regions and states

Critics say memo leaves loopholes that could give states too much power

States will get a strong voice in environmental inspections and enforcement actions under new guidance the EPA released to its regional offices July 11.

Part of the memo calls on the Environmental Protection Agency and state officials to work together when planning inspections as a way of improving efficiency and reducing unnecessary burdens on regulated entities.

The memo also directs EPA regions and states to limit "duplicative or overlapping inspections" that would cause them to separately inspect the same facility within a 12-month period.

The document further calls on EPA regional offices to give states advance notice of inspections, “especially because inspection plans tend to be dynamic and it might have been some time since the planned inspection was discussed.”

An EPA spokesperson said the new policy “provides a workable road map for effective partnerships between the EPA and states in addressing the important environmental work that we collectively need to address,” and was written using input from the states and the public in response to a May draft version.

#### Best Practices

Other parts of the guidance describe best communication practices between the EPA and the states and clarify which agency should take the lead role in different situations.

“This policy will help the states and EPA make the best use of their respective enforcement resources and avoid duplication of effort in inspections and enforcement activity,” said Donald Welsh, executive director of the Environmental Council of the States.

ECOS, a group of state environmental agencies, has been working with the EPA to develop better enforcement procedures and improve cooperation.

The guidance “is based on the principle of cooperative federalism and it builds on best practices that many states and EPA Regions have developed in joint enforcement planning,” Welsh said. “It will make regular communication and coordination on enforcement the standard of practice between the states and EPA.”

#### Some Concern

Most parts of the policy are consistent with the agency’s longstanding practice, said Bruce Buckheit, former director of EPA’s air enforcement division.

But Buckheit also said he was worried about language in the policy stating EPA’s responsibility to conduct a “limited” number of inspections to verify how well state enforcement programs are working.

Patrice Simms, director of litigation at the environmental group Earthjustice, called the guidance “an effort to mainstream the agency’s practice of effectively giving states a veto right over agency enforcement actions.”

In Simms’ view, the memo “tells EPA’s enforcement office and regional offices to share all of their enforcement plans with the states, and then it pulls the rug from under the front-line agency enforcement officials by effectively giving states an absolute right to take any disagreement over enforcement right to Trump’s political appointees.”

The EPA spokesperson said the new policy won’t result in weaker enforcement.

“Our goal is to achieve compliance with the environmental laws that were enacted to protect public health and the environment,” the spokesperson said. “Compliance can be achieved through enforcement and also through other means, including compliance assistance.”

## **Mining**

### **Bloomberg Environment**

#### **Mining Company Says ‘No’ to EPA Order to Clean Up Colorado Site**

<https://news.bloombergenvironment.com/environment-and-energy/mining-company-says-no-to-epa-order-to-clean-up-colorado-site>

#### **Tripp Baltz**

Sunnyside Gold says it will no longer be a pawn of the EPA  
EPA caused the August 2015 Gold King Mine spill, has a conflict of interest



Sunnyside Gold Corp. is refusing to do the work ordered recently by the EPA at the Superfund site in southwestern Colorado where the Gold King Mine is located.

The company, a subsidiary of Kinross Gold Corp., said in a July 9 letter to the agency that the Environmental Protection Agency's modified statement of work issued in June is indefensible, and illegally orders the company to undertake work in the Bonita Peak Mining District Superfund site.

Sunnyside has engaged in mining and cleanup activities in the area, resulting in greater water quality in the Animas River, Kevin Roach, director of reclamation operations for the company, said in a July 10 statement.

Meanwhile, the EPA—as the entity that triggered the August 2015 Gold King Mine spill, sending 3 million gallons of mining wastewater and sediment laden with heavy metals into the river—has a clear conflict of interest and has wrongfully targeted Sunnyside, the company said.

"SGC will no longer be a pawn in this never-ending science project," Roach said.

The Animas flows into the San Juan River, which empties into the Colorado River at Lake Powell, passing through three states and American Indian tribal lands. The Colorado River supplies water for about 40 million people in the U.S. Southwest.

The EPA is reviewing the letter from Sunnyside Gold and considering options for completing the cleanup, said Cynthia Peterson, an EPA spokeswoman.

## **Climate**

### **Climatewire**

#### **Science critics angered by scrapped climate panel**

<https://www.eenews.net/climatewire/stories/1060726887/search?keyword=EPA>

**Scott Waldman, E&E News reporter**

Some of President Trump's most vociferous cheerleaders on environmental policy are angry that he has backed away from a plan to conduct an "adversarial" review of climate science.

The White House has dropped its plan to conduct a hostile review of the national security risks in the National Climate Assessment. The plan, which would have been led by National Security Council Senior Director William Happer, was shelved after some Trump administration officials and campaign staff worried that it could cost votes. Polls show a growing number of Republicans and independents are concerned about climate change and the president's environmental policies.

Now the critics of climate science who celebrated Trump's withdrawal from the Paris accord and the rollback of President Obama's plans to slash power plant emissions and boost fuel efficiency standards for cars are angry that Trump's changing course.

Marc Morano, a climate science critic who runs a blog called Committee for a Constructive Tomorrow, has spent years gushing about Trump's attacks on Obama's climate policies. He is the co-author of the book "The Politically Incorrect Guide to Climate Change" and has been invited to EPA events to celebrate deregulation. He also regularly appears on Fox News to praise Trump's environmental policy.

By giving up on the White House's plan to put climate science on trial, Morano said, Trump had personally "fallen significantly short by failing to establish this badly needed federal climate commission."

"President Trump could have made this federal challenge to man-made climate claims happen, but sadly, it appears to have not been one of his priorities," Morano said in a statement blasting the committee's demise. "I don't blame the Republican establishment for a federal committee, I blame President Trump himself. This will go down as one of the biggest missed opportunities in modern times to challenge Al Gore, The UN [Intergovernmental Panel on Climate Change] and the National Climate Assessment."

Morano also placed blame on Trump's Cabinet and said the only senior administration official willing to challenge climate science directly was former EPA Administrator Scott Pruitt, who resigned amid an ethics scandal. Pruitt wanted to establish a similar panel to challenge climate science before it was blocked by the White House.

"The only way this climate committee could have received the green light was from Trump himself to overrule the expected opposition from the fearful D.C. establishment," Morano said. "I suspect that none of Trump's cabinet heads would have publicly supported the climate committee, as they appear to be too timid to even contemplate a public challenge to climate claims."

Even if Trump is reelected, Morano asserted, Energy Secretary Rick Perry, EPA Administrator Andrew Wheeler and NASA Administrator Jim Bridenstine will oppose an aggressive attack on climate science. "The same forces will reconvene to argue against any climate challenge."

Jim Lakely, the acting president of the conservative Heartland Institute, said it was "frustrating" that the climate review appeared to have stalled. Then he praised Trump's record in rolling back Obama's climate legacy and said more is to come.

"The Heartland Institute strongly supports what Will Happer is trying to do," Lakely said. He and other critics have characterized government reports pointing to the worsening conditions of climate change as alarmist and a product of dogma rather than data. "Happer was brought in for a reason, but it appears obvious he's run into some resistance among some in the Trump administration."

Myron Ebell, a senior fellow at the conservative Competitive Enterprise Institute who led the EPA transition team under Trump, blamed establishment Republicans and political consultants.

"The politicians are going to stop doing anything that will be controversial," Ebell said.

One close Trump ally, Sen. Lindsey Graham (R-S.C.), encouraged Trump to back away from denial of climate science and to come up with conservative environmental policy that recognizes climate science.

"I would encourage the president to look long and hard [at] the science, admit the science is real and come up with solutions that do not destroy the economy like the Green New Deal," Graham said at a press conference Wednesday.

## **Chemicals**

### **Politico**

#### **House approves first batch of PFAS amendments**

<https://subscriber.politicopro.com/article/2019/07/house-approves-first-batch-of-pfas-amendments-3565312>

**BY ANNIE SNIDER**

The House approved a series of amendments to its defense authorization bill relating to toxic PFAS chemicals by a voice vote.

Among the amendments, which were considered as a group, is one from Rep. Dan Kildee (D-Mich.) that would require the Defense Department to publish a military specification for firefighting foam that does not include PFAS by 2023. The

underlying bill's provision requiring a phase-out of the military's use of foam containing PFAS by 2025 was among the provisions called out in the White House's veto threat.

Also approved in the package were amendments that would bar the military from using food packaging for MREs containing the chemicals and require DOD to ensure that any incineration of materials containing PFAS is done in a way that eliminates the chemicals and doesn't send them into the air.

Two other, more controversial amendments relating to PFAS are also teed up for votes by the House, including one to designate all PFAS as hazardous under the Superfund law and one to require EPA to issue effluent limits for the chemicals.

## **Politico**

### **Blumenthal weighing hold against FAA nominee**

<https://www.politico.com/newsletters/morning-transportation/2019/07/12/blumenthal-weighing-hold-against-faa-nominee-456527>

**By SAM MINTZ**

— Sen. Richard Blumenthal (D-Conn.) is considering placing a hold on FAA nominee Steve Dickson.

— TSA officials promised to step up the agency's cybersecurity efforts for surface transportation during the first meeting of a new committee.

— Airports are worried about the effects of an amendment under consideration in the House NDAA regarding PFAS, a chemical used in firefighting foam.

A message from Freight Rail Works:

Everything about freight rail is big — including its culture of safety. After all, when your 165,000-strong workforce is responsible for powering the economy, their well-being always comes first. Learn how technology transformed our industry into one of the country's safest.

HAPPY FRIDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. If you too managed to survive the great Twitter apocalypse of July 11, 2019, get in touch with tips, feedback and song lyric suggestions at [smintz@politico.com](mailto:smintz@politico.com) or @samjmintz.

"Sign said 40 miles to Canada / My truck tore across Montana / Ian Tyson sang a lonesome lullaby / And so I cranked up the radio."

LISTEN HERE: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) about roads, rails, rivers and runways?

## **AVIATION**

THE LATEST ON DICKSON: Senate Commerce Chairman Roger Wicker (R-Miss.) told MT on Thursday that he's talked to Senate leadership about a full chamber vote on Dickson, who was approved by the committee Wednesday, but not about timing.

MT asked Wicker whether he thinks it would be realistic to expect approval before the August recess. "I think we need to get leadership in place," he said, walking into an elevator. We'll be following the nomination closely and will have updates for you along the way.

Wait for it: Blumenthal, who has been one of the most stringent opponents of Dickson, said he is "strongly considering" putting a hold on the nominee, which would signal to Democratic leaders that he thinks they should put a priority on opposing the eventual floor vote.

**737 MAX REVIEW BOARD MEMBERS MEET WITH LAWMAKERS:** House Transportation Committee members met on Thursday with members of a board studying software fixes for the grounded Boeing 737 MAX, our Brianna Gurciullo reported. More than 10 lawmakers from both parties met with three members of the Technical Advisory Board, who were representing the FAA, NASA and the Air Force, according to Rep. Rick Larsen (D-Wash.), the chairman of the committee's aviation subpanel.

Larsen called it an "informal discussion" to go over how the board is scrutinizing the FAA's efforts to return the grounded 737 MAX to the skies. He said he and full committee Chairman Peter DeFazio (D-Ore.) asked for a third-party review of any potential technical changes to the plane.

**MAILBAG:** Airports are worried about a Democratic amendment to the House's defense authorization bill that would require the EPA to designate PFAS — a chemical used in firefighting foam, among other uses — a hazardous substance. The American Association of Airport Executives said in a letter to Speaker Nancy Pelosi on Thursday that airports want to eventually switch to using alternative firefighting foams that don't have PFAS but are currently required by federal law to use PFAS-containing foam.

The group argues that the proposal could lead to costly litigation and cleanup efforts at airports. "At a minimum, we urge you to alter the amendment to specifically exempt airports from any liability under [the Comprehensive Environmental Response, Compensation, and Liability Act] for the costs of responding to or damages resulting from the use" of PFAS, AAAE wrote.

Make sure you read Morning Energy to get the latest on the PFAS debate, which has incensed lawmakers on both sides and was highlighted by the White House in a veto threat.

Advertisement Image

#### SECURITY

**TSA VOWS SURFACE FOCUS:** Cybersecurity will be a major focus of TSA's new Surface Transportation Security Advisory Committee, our Stephanie Beasley reported for Pros on Thursday. After members of the committee pressed Administrator David Pekoske at its first meeting, he said the new group is a first step, and that the agency wants to eventually have its own cybersecurity experts and devote more resources to surface modes.

"Our concern is that surface is a small footprint within TSA compared to aviation," said Dave McCurdy, an advisory committee member and former head of the American Gas Association who said he's primarily concerned about pipeline infrastructure but also thinks cyber threats to surface transportation in general deserve more attention.

**SETTING RECORDS:** Sunday, July 7, was the busiest day in TSA history, with 2,795,014 travelers screened, Stephanie also writes. Per the story, "the agency has said it expects this to be its busiest summer ever, a prediction that has raised concerns among airlines and airports worried about the impacts of TSA employees being reassigned to help Customs and Border Protection at the southern border." TSA screened a total of 11.9 million passengers between July 3 and July 7.

**COLLABORATION ACROSS THE NORTHERN BORDER:** The U.S. and Canada have launched the third phase of an initiative that will allow them to track biographic data on travelers who are citizens of either country, Pro Canada's Lauren Gardner reported Thursday. Lauren writes that "the program permits border authorities to collect basic personal data on people crossing the shared land border and share information so a recorded entry in one nation creates an exit record in the other." CBP and Canadian authorities will also exchange travel documents and other crossing information. Previous phases have focused on third-country nationals and permanent legal residents.

Want to know what's REALLY happening on Capitol Hill? Get in the game by reading the Huddle, POLITICO's fun and essential play-by-play guide to Congress. Melanie Zanona pulls back the curtain and takes you inside the backrooms on Capitol Hill to keep you apprised of the latest from both the upper and lower chambers. Sign up today.

## AUTOMOBILES

**OUT OF CONTROL(S) IN VEGAS:** The inaccessibility of manual controls was a contributing cause in the 2017 collision between a Keolis autonomous shuttle on its first day of service and a truck backing into an alley in Las Vegas, according to an NTSB report released Thursday. The shuttle had no steering wheel or pedals, and its handheld controller that could engage the horn and other limited functions was stored in an enclosed space at one end of the passenger compartment. The attendant did not have time to access it at the time of the collision, which was caused primarily by the truck driver's failure to stop. The autonomous shuttle's sensors detected the truck and slowed down to a full stop accordingly. Keolis company policy now states that attendants need to have the controller for the duration of a trip.

Why they did it: NTSB typically wouldn't investigate a minor collision, but having a highly automated vehicle involved changed that decision-making. "We wanted to examine the process of introducing an autonomous shuttle onto public roads as well as the role of the operator, the vehicle manufacturer, and the city," said Kris Poland, deputy director of the NTSB's Office of Highway Safety.

A message from Freight Rail Works:

When it comes to accidents, only one number is acceptable to freight rail: zero. That's why our industry invests billions every year in training, operational and technological advancements that improve safety for the public and our workforce. From daily safety briefings to positive train control, state-of-the-art training programs to advanced track-side smart sensors, our culture of safety infuses every aspect of operations across the 140,000-mile network. The result? Employee injury rates have decreased 48% since 2000. Learn more about the steps we're taking every day to improve worker safety and productivity.

## LOBBY WATCH

**TESLA'S D.C. PRESENCE:** Some interesting lobbying news you may have missed in POLITICO Influence this week: Tesla has hired a new firm, Fulcrum Public Affairs, to lobby on the Driving America Forward Act, legislation that would expand the electric vehicle tax credit. As Theodoric Meyer notes in PI, the EV manufacturer "recently parted ways with Mehlman Castagnetti Rosen & Thomas less than three months after hiring the firm to lobby on the same legislation."

Other lobbying disclosures of note: Canadian jet manufacturer Bombardier signed up Tonio Burgos & Associates Inc. to lobby on "issues relating to federal transportation funding." The National Railroad Construction and Maintenance Association is working with Matt Ginsberg at TGA Associate Management Solutions on legislation and regulations affecting rail contractors and supply industry. And the Commuter Rail Coalition signed up longtime transpo lobbyist and former DOT official John Cline to lobby on appropriations.

## San Francisco Chronicle

### **Trump escapes blame for ethanol policy hurting corn farmers**

<https://www.sfchronicle.com/news/article/Trump-escapes-blame-for-ethanol-policy-hurting-14091151.php?psid=cg0Du>

**By DAVID PITT, Associated Press**

DES MOINES, Iowa (AP) — Midwest farmers and their Republican elected officials rarely miss a chance to shower President Donald Trump with praise when he takes actions they believe help agriculture, but they're now parsing their words over the administration's policies dealing with ethanol.

While they have offered their effusive thanks to Trump for his support for the Environmental Protection Agency to allow year-round sales of E15, a higher blend of ethanol, they have criticized that same agency but not the president over an EPA recommendation last week that could limit growth of the biofuels industry.

Tom Vilsack, a former U.S. agriculture secretary and Iowa governor, said the mixed policies have caused confusion.

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"What we need is a clear indication from the Trump administration consistent with the president's promises that it is in support of the ethanol industry and biofuels industry," said Vilsack, a Democrat. "You're either with the industry or you're not."

It's hard to overstate the importance in the Midwest of the ethanol industry, which consumes roughly 40% of the nation's corn crop. Corn production has nearly doubled in the past 30 years, and without an ever-larger ethanol market farmers fear demand for the grain could plunge.

With that in mind, Trump has repeatedly told farmers he supported the ethanol industry, and in his push to have the EPA allow more sales of the higher ethanol blend, he's kept his promise. But it's been a different story when it comes to another EPA recommendation.

Last week, the EPA released its annual rule for the level of ethanol that must be blended into the nation's gasoline supply. The 15 billion gallon (56.78 billion liter) target for corn-based ethanol disappointed the industry because many expected the EPA to expand the requirement to offset exemptions given to many fuel refineries that have reduced demand by an estimated 2.6 billion gallons (9.84 billion liters) since Trump took office.

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The EPA also ignored a 2017 order from a federal appeals court to restore 500 million gallons (1892.65 million liters) exempted by the EPA from 2016.

For this rule, Republicans chided EPA administrator Andrew Wheeler but not Trump, who appointed the former coal industry lobbyist to head the agency.

Nebraska Gov. Pete Ricketts, for example, didn't blame Trump but instead stated, "I urge Administrator Wheeler to reallocate waived gallons and ensure that the agency is giving our farmers and ethanol producers the predictability they need, especially during tough times for agriculture."

U.S. Representative Cindy Axne, a Democrat whose southwest Iowa district includes thousands of farmers and six ethanol refineries, said Trump isn't taking responsibility for policies that hurt farmers already reeling from trade disputes.

"I think that this administration definitely has an ability to hold the president away from the decisions that the EPA is making and not show them as part of the administration's decision," she said. "It is the administration's decision to allow one of its departments to create policy that does this."

Perhaps the most direct criticism of Trump by a Republican has been by U.S. Sen. Charles Grassley of Iowa, who said some farmers think the EPA is breaking the president's commitments to farmers to uphold the ethanol laws.

"I urge President Trump to compel EPA to reverse course and keep his word to the forgotten Americans who have faithfully stood with him," Grassley said.

Asked whether the president was ultimately accountable, Grassley referenced a phrase displayed on the desk of President Harry Truman.

"I can't help but answer yes to your question because Truman made it very clear the buck stops here," he said.

Harold Wolle, a farmer near St. James in southern Minnesota, said people are disappointed the EPA is letting some refineries reduce their ethanol use.

"The news that I'm reading and hearing is that the president is pushing the EPA to change how it grants these waivers but the proof will be in the pudding. We'll see," said Wolle, a member of the National Corn Growers Association board.

Northwest Iowa farmer Kelly Nieuwenhuis said blame is focusing on the EPA but farmers realize Trump appointed former administrator Scott Pruitt and then named Wheeler.

"There's always politics involved and that's the frustrating part," he said. "It seems definitely that the oil industry has some control over the EPA in our view. It comes down to money, campaign contributions basically."

Nieuwenhuis, 60, who farms 2,100 acres with two brothers growing corn and soybeans, said the EPA doesn't seem to answer to anyone.

The EPA has argued in court that the Clean Air Act gives the agency substantial discretion to decide small refinery exemptions.

Iowa Gov. Kim Reynolds, a Republican, said she's talked with Trump, Wheeler and Agriculture Secretary Sonny Perdue recently about the refinery waivers and the renewable fuel standard, which sets the ethanol limits. She said they understand the concerns of Iowa, the nation's largest ethanol producer and biggest corn grower. She blames the EPA, not Trump.

"I urge EPA Secretary Wheeler to reverse course and uphold President Trump's commitment to rural America by strengthening the RFS and putting an end to the abusive practice of granting waivers to profitable oil refineries," Reynolds said.

Release of the draft rule last week begins a public comment process during which the pressure is sure to increase on the administration to revise the final rule with higher ethanol targets for 2020.

## **Bloomberg Environment**

### **EPA Eliminates Some Restrictions on Bee-Killing Pesticide**

<https://news.bloombergenvironment.com/environment-and-energy/epa-eliminates-restrictions-on-bee-killing-pesticide>

**Adam Allington**

Sulfoxaflor was restricted for use in 2015 because of threats to bees

EPA says new science proves it is safe

The EPA is eliminating crop restrictions on a pesticide known for its high toxicity to bees, the agency announced July 12.

The Environmental Protection Agency is approving the use of sulfoxaflor on alfalfa, corn, cacao, grains such as millet and oats, pineapple, sorghum, teff, teosinte, tree plantations, citrus, cotton, cucurbits such as squash, cucumbers, watermelons, some gourds, soybeans, and strawberries.

Sulfoxaflor is produced by Corteva Agriscience (previously DowDuPont) and sold under the brand names Transform and Closer.

"We are thrilled to announce that EPA is adding new uses for sulfoxaflor," said Alexandra Dapolito Dunn, assistant administrator for chemical safety and pollution prevention. "Our action is supported by substantial data on human health and environmental impacts, including many new studies about bees."

The move will help growers who are struggling to control a variety of insect pests, Dunn said.

### 'Height of Irresponsibility'

The move was met with a rebuke from environmental and food safety groups, who said the chemical's negative impact on bees and pollinators is well documented.

"Proposing to register sulfoxaflor for use of bee-attractive crops, in the midst of an ongoing pollinator crisis, is the height of irresponsibility," said Drew Toher, community resource and policy director for Beyond Pesticides.

"When all of the available data points to significant risks to pollinators from use of this chemical we must face the facts: EPA is working towards the protection of pesticide industry, not the environment," he said.

EPA had previously restricted use of sulfoxaflor for use on crops to which bees are not attracted. In June, the agency approved emergency exemptions for the use of sulfoxaflor in 12 states to control tarnished plant bugs on cotton and to control sugarcane aphids on sorghum in 14 states.

Those exemptions will no longer be necessary going forward.

### **Washington Post**

#### **EPA reverses ban on pesticide seen as threat to bees**

[https://www.washingtonpost.com/politics/federal\\_government/epa-reverses-ban-on-pesticide-seen-as-threat-to-bees/2019/07/12/0ed5614e-a4c8-11e9-a767-d7ab84aef3e9\\_story.html?utm\\_term=.25ca78bdf02](https://www.washingtonpost.com/politics/federal_government/epa-reverses-ban-on-pesticide-seen-as-threat-to-bees/2019/07/12/0ed5614e-a4c8-11e9-a767-d7ab84aef3e9_story.html?utm_term=.25ca78bdf02)

**By Ellen Knickmeyer**

WASHINGTON — The Trump administration is allowing a once-prohibited farm pesticide back on the market over objections from beekeepers.

The Environmental Protection Agency said Friday it would again allow wide use of Dow AgroSciences' sulfoxaflor. Beekeepers say the pesticide is a threat to pollinators and other beneficial bugs and successfully sued to have it taken off the market. A federal appeals court ruled in 2015 that not enough was known about the pesticide's effect on bees.

EPA assistant administrator Alexandra Dunn says new industry studies that haven't been made public show a low level of risk to bees and other wildlife.

Program director Michele Colopy of the Pollinator Stewardship Council says the pesticide is wiping out beneficial bugs. The council represents beekeepers and was among those that sued to have it banned.

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### **Politico**

#### **EPA restores use of sulfoxaflor for variety of crops**

<https://subscriber.politicopro.com/article/2019/07/epa-restores-use-of-sulfoxaflor-for-variety-of-crops-1589786>

**BY LIZ CRAMPTON**

The EPA today approved expanded use of the insecticide sulfoxaflor on a variety of crops, including cotton and sorghum.

Sulfoxaflor, which was initially developed by Dow, has been shown to be harmful to bees. It was pulled from the market in 2015 after the U.S. Court of Appeals for the 9th Circuit said the agency failed to appropriately assess the pesticide's risk to pollinators.

EPA then revised its application guidelines in 2016 and prohibited the insecticide's use on crops that are attractive to bees and during bloom, when pollinators might be present. Crops such as corn, cotton and soybeans, however, were not



included in the registration at the time. Growers rely on the insecticide to fight stubborn pests like aphids and mealybugs.

EPA said today it has conducted an "extensive risk analysis" and approves its use on a range of crops that were previously limited. After reviewing new additional research, the agency determined that when sulfoxaflor is used according to label directions, the insecticide poses no significant risk to human health and a "significantly" lower risk to wildlife such as bees, birds, mammals and fish, when compared to widely used registered alternatives, an EPA official said. Sulfoxaflor is considered to be less harmful to bees than neonicotinoids.

"EPA is providing long-term certainty for U.S. growers to use an important tool to protect crops and avoid potentially significant economic losses, while maintaining strong protection for pollinators," said Alexandra Dapolito Dunn, assistant administrator for EPA's Office of Chemical Safety and Pollution Prevention, in a statement. "Today's decision shows the agency's commitment to making decisions that are based on a sound science."

The agency approved the insecticide for new uses on alfalfa, corn, cacao, grains, pineapple, sorghum, teff, teosinte and tree plantations. Crops such as citrus, cotton, cucurbits, soybeans, and strawberries were added back to the list.

Under the new registration, product labels will include crop-specific restrictions and pollinator protection language, the official said. For example, no applications of the insecticide can be applied to certain fruits, tree nuts, climbing vines and low-growing berries and trees during bloom. For citrus, only one application is permitted three days before bloom.

EPA also implemented spray drift restrictions intended to reduce off-target movement of sulfoxaflor related to the type of nozzle used in applications as well as wind speed and height application requirements.

The announcement means that EPA will no longer need to grant emergency exemptions to growers, the official said. EPA used its authority under Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act to allow application of sulfoxaflor on crops that were previously excluded, most commonly cotton and sorghum.

In 2019 alone, the agency approved 12 emergency exemptions to states for the use of sulfoxaflor on cotton, and 14 exemptions were used on sorghum, according to the EPA official.

Environmental groups immediately condemned EPA's decision, warning of its impact to pollinators, and indicated that a lawsuit may be forthcoming.

"The Trump EPA's reckless approval of this bee-killing pesticide across 200 million U.S. acres of crops like strawberries and watermelon without any public process is a terrible blow to imperiled pollinators," said Lori Ann Burd, director of the Center for Biological Diversity's environmental health program, in a statement. "With no opportunity for independent oversight or review, this autocratic administration's appalling decision to bow to industry and grant broad approval for this highly toxic insecticide leaves us with no choice but to take legal action."

#### **Greenwire**

#### **EPA expands use of bee-killing chemical**

<https://www.eenews.net/greenwire/stories/1060730419/search?keyword=EPA>

**Marc Heller and Ariana Figueroa**

EPA said today it's expanding the allowed uses of a pesticide that was briefly banned in 2015 due to the danger it posed to bees.

Environmentalists decried the news as a "bow to industry."

The agency is giving long-term approval to sulfoxaflor, an alternative to a class of pesticides called neonicotinoids that have also become embroiled in debate over threats to pollinators.

"We are very pleased to take this action because it will help growers all over America," said Alex Dunn, EPA's assistant administrator for the Office of Chemical Safety and Pollution Prevention, in a conference call with reporters.

Today's decision means sulfoxaflor can be regularly applied to crops for which it hasn't been approved, such as cotton and sorghum. The approval also includes uses on major crops such as corn, alfalfa, soybeans and citrus, among other plants.

The agency said sulfoxaflor, made by Dow AgroSciences LLC, is an important and highly effective tool against insects such as sugarcane aphids and tarnished plant bugs, and that farmers have few alternative treatments against such pests.

Officials said the renewed registration takes into account the need to protect pollinators — including through revised language on the packaging labels and restrictions on use during flowering — and is based on scientific data the agency has collected over the past several years. Use of sulfoxaflor was stopped, except in emergency situations, after a federal court ordered its registration revoked in 2015 in response to a lawsuit from beekeepers.

A year later, EPA approved a scaled-back registration that restricted sulfoxaflor's use and didn't allow it on cotton or sorghum. But officials have frequently allowed its use on an emergency basis on cotton and sorghum, sparking objections from groups such as the Center for Biological Diversity, which opposes the use of many pesticides.

Those crops are often visited by bees, according to the CBD, which said the chemical could be spread on as many as 200 million acres.

EPA based the new registration mostly on industry-sponsored studies, Dunn said, adding that most of those studies are performed with independent contract labs.

Earlier this year, the CBD reported that EPA in 2018 approved sulfoxaflor for emergency use on more than 16 million acres of crops in 2018. Of the 18 states for which emergency uses were approved on cotton and sorghum, 12 received approvals in each of the four consecutive years.

The emergency uses amount to a backdoor method of approving a pesticide that couldn't pass muster through normal channels, the CBD said.

In a statement today, the CBD called the announcement a "terrible blow to imperiled pollinators" and said it would fight the decision in court.

"With no opportunity for independent oversight or review, this autocratic administration's appalling decision to bow to industry and grant broad approval for this highly toxic insecticide leaves us with no choice but to take legal action."

In allowing more emergency uses in June, EPA said the risk from insects justifies the chemical's use.

"EPA determined that the devastating spread of the pests and potential economic loss to the growers met the criteria for an emergency exemption," the agency said then, adding that in the past, the pesticide has been used on fewer acres than the states' applications have requested.

"The tarnished plant bug and sugarcane aphid are massive threats to cotton and sorghum crops, respectively. There are few viable options for controlling these problems, and pests have developed resistance to some of the former alternatives," EPA said.

In a news release today, EPA said sulfoxaflor doesn't need to be applied as regularly as other chemicals, which are effective only when used repeatedly or in a tank mix, which may pose greater risks to wildlife.

## **Bloomberg Environment**

### **House Defense Vote Sets Up Bicameral Faceoff Over PFAS, Climate**

**David Schultz**

Annual defense spending bill passes House with PFAS, climate change measures attached

Measures could be stripped in decisive conference committee with Senate

A decisive clash between the House and the Senate over chemical and climate issues is on the horizon, as both chambers have now passed their versions of an annual defense spending bill.

The House passed its version of the bill (H.R. 2500) July 12 on a 220-197 vote, largely along party lines.

Although primarily aimed at reauthorizing defense programs, it also includes provisions that would significantly alter how the Defense Department addresses nonstick chemical contamination and would also require the Pentagon to better account for the ways climate change is affecting military operations.

The Senate already passed its own version of the bill (S. 1790) last month, on a bipartisan 86-8 vote.

That bill also contains environmental measures, including a mandate for the EPA to enact the first nationwide standards for chemicals called per- and polyfluoroalkyl substances, or PFAS.

These chemicals are potentially toxic and have contaminated groundwater supplies on and near military bases, where they have been used in firefighting foam.

#### Amendments Adopted

The House bill includes an amendment that would force the EPA to add PFAS chemicals to its list of toxic pollutants under the Clean Water Act. This means factories, wastewater treatment plants, and other businesses would have to remove these chemicals from their effluent.

This amendment was adopted despite objections from the water utility industry.

The House adopted another amendment that would require the Pentagon to assume that sea levels will be rising in the future when it assesses flooding risks. Both of these amendments were adopted by voice votes.

The two bills now head to a conference committee, where lawmakers from both chambers will gather to hammer out a compromise that both the House and the Senate can accept. Any or all of the environmental measures in the two bills could be omitted from the final version that heads to the president's desk.

Rep. Doug Lamborn (R-Colo.), the top Republican on the House Armed Services subcommittee that handles environmental cleanup, said a bicameral compromise may ultimately water down the legislation, but he said there will definitely be some type of PFAS language in the final bill.

"I think there's a lot of consensus in both the House and the Senate" on that, he told Bloomberg Environment. "But some of the directives to EPA may have trouble sticking. You can't force an agency to rush things too much or they may not use good science and good research."

Rep. Joe Courtney (D-Conn.), the chairman of another House Armed Services subcommittee, said the conference committee likely won't complete its work until after Labor Day and possibly even closer to late October.

#### White House Threats

President Donald Trump has already threatened to veto the House defense bill, and specifically called out two PFAS provisions in his veto threat.

One would force the Pentagon to stop using firefighting foam with PFAS chemicals and to develop a non-PFAS alternative, and another would force it to provide clean water to farmers in areas with contamination problems.

The White House said it wasn't confident it could develop a non-PFAS alternative within the bill's deadline.

It also said the provision requiring the Pentagon to give farmers clean water "singles out" the Department of Defense, when in actuality there are others also responsible for PFAS pollution.

## **Politico**

### **House passes defense bill with provisions on Chinese rail cars, drones and airport chemicals**

<https://subscriber.politicopro.com/article/2019/07/house-passes-defense-bill-with-provisions-on-chinese-rail-cars-drones-and-airport-chemicals-3546525>

**BY STEPHANIE BEASLEY**

The House today passed a defense reauthorization, H.R. 2500 (116), that would bar federal spending on Chinese-made drones and rail cars due to lawmaker concerns about cyber threats. It also included an amendment that would re-designate a chemical in foam that airports use to fight fires as hazardous.

The bill passed on a vote of 220-197 and includes a provision that would block transit agencies from using federal money to purchase rail cars from companies based in a "non-market economy country." The legislation reflects worries among lawmakers that rail cars manufactured by China Railway Rolling Stock Corp. and sold in the U.S. could be used for espionage and cyber attacks.

Also included was language barring the DoD from buying foreign-made drones, which have come under scrutiny on the Hill. DHS recently issued an alert warning that Chinese-manufactured drones might be used to steal U.S. data. However, the Interior Department this month approved Chinese dronemaker DJI's "Government Edition" software, which was designed with additional safeguards for federal use.

And, despite airport industry opposition, lawmakers passed the bill with a Democratic amendment that would require the EPA to designate PFAS — a chemical used in firefighting foam — a hazardous substance. Federal law currently requires airports to use foam with PFAS.

## **The Hill**

### **EPA expands use of pesticide considered 'very highly toxic' to bees**

<https://thehill.com/policy/energy-environment/452827-epa-expanding-use-of-chemical-considered-toxic-for-bees>

**BY REBECCA BEITSCH**

The Environmental Protection Agency (EPA) announced Friday it would allow for the expanded use of a pesticide it considers toxic to bees, a move that comes just days after the Trump administration said it was suspending data collection on bee populations.

The pesticide known as sulfoxaflor will be permitted for use on certain crops for the first time, and in other areas that were prohibited under the Obama administration.

The agency considers sulfoxaflor "very highly toxic" to bees.

In a call with reporters to announce the decision, a top EPA official emphasized the agency's research on the pesticide's effects on bees and said the rule was designed with pollinators in mind.

"To reduce exposure to bees, the product label will have crop-specific restrictions and important pollinator protection language," including limits on how close to bloom sulfoxaflor can be sprayed, the official said.

But it may be difficult to monitor whether the regulations spare bees as intended. The U.S. Department of Agriculture announced last week it was suspending one of the few remaining government data sets that monitor bee populations and loss.

The EPA did not respond to additional questions from The Hill about how it would monitor the impacts of its new guidelines for the pesticide.

Sulfoxaflor's use has long been contentious. It was temporarily barred after a lawsuit from beekeepers in 2015, and the EPA in 2016 changed its instructions for how to use the pesticide in a way designed to reduce the impact on bees.

"At a time when honeybees and other pollinators are dying in greater numbers than ever before, Trump's EPA decision to remove restrictions on yet another bee-killing pesticide is nothing short of reckless," Earthjustice, which fought sulfoxaflor use in the 2015 suit, said in a statement Friday. "Scientists have long said pesticides like sulfoxaflor are the cause of the unprecedented colony collapse. Letting sulfoxaflor back on the market is dangerous for our food system, economy, and environment."

EPA said it was spurred to reconsider uses of sulfoxaflor following numerous emergency requests from states -- many of which the agency granted -- to allow the use of the pesticide on certain crops. It contends sulfoxaflor is safer than the alternatives.

When pressed for more information on the studies that showed the new regulations would be safer for bees, the EPA official said, "most of the studies that we used were indeed sponsored by industry. That is common practice in the pesticide program."

The official noted that companies are required to contract with outside labs and share their data with the EPA.

Companies are expected to cover the costs associated with their applications for approval of a pesticide.

Farmers will once again be able to use sulfoxaflor on citrus, cotton and types of squash, and the pesticide can now be used on alfalfa, corn, cocoa, grains, and pineapple, among others, for the first time.

In some cases, farmers will not be able to spray sulfoxaflor within three days of bloom, but bee activists say the pesticide can remain in the soil and harm bees.

Bees are key in the production of almost a third of U.S. crops, spurring a commercial bee industry that brings colonies from field to field to pollinate farmers' fields.

The expanded use of sulfoxaflor is likely to spur legal action.

"The Trump EPA's reckless approval of this bee-killing pesticide across 200 million U.S. acres of crops like strawberries and watermelon without any public process is a terrible blow to imperiled pollinators," Lori Ann Burd, director of the Center for Biological Diversity's environmental health program said in a statement to The Hill.

"With no opportunity for independent oversight or review, this autocratic administration's appalling decision to bow to industry and grant broad approval for this highly toxic insecticide leaves us with no choice but to take legal action," she added.

The EPA said the economic plight of farmers was a factor in its decision. The agency said growers could see net revenue losses of up to 50 percent if they aren't able to use the pesticide.

Burd said pesticides like sulfoxaflor are dangerous to bees because they attack the nervous system, causing bees to get confused and diminishing their appetite.

"They don't respond as well to predators ... cognitive loss is causing them to die as they get lost in the field," she told The Hill earlier this week.

## **Campaign 2020**

### **Greenwire**

#### **Buttigieg racial inequality plan includes green justice push**

<https://www.eenews.net/greenwire/stories/1060730125/search?keyword=EPA>

**Timothy Cama, E&E News reporter**

Democratic presidential hopeful Pete Buttigieg is targeting environmental justice as part of a wide-ranging plan to address racism and racial inequality.

The mayor of South Bend, Ind., unveiled his "Douglass Plan" yesterday, named after abolitionist Frederick Douglass. The proposal says the federal government has a major role to play in assisting racial minorities, the poor and others who experience the effects of pollution in more extreme ways than the rest of the country.

"We've seen a rise in white nationalism, an economic gap between black and white workers that grows instead of shrinks, and worse health outcomes for black Americans, particularly new mothers, that should make us all wonder how the richest country on earth can allow this to happen under our noses," he said in a statement accompanying the release.

"The Douglass Plan will help heal our deep racial divides with bold policies that match the scale of the crises we face today," he announced.

Specifically, Buttigieg said he would expand enforcement of environmental laws, with a particular focus on black communities and other communities of color that have disproportionate health and other effects from pollution.

EPA "will be required to consider environmental justice in all its regulatory decisions," he said, adding that he would restore the prominent role of science at the agency in decisionmaking.

Lead is also a major focus of Buttigieg's platform. EPA would be tasked with working with other agencies to take stock of lead paint in housing. He pledged to establish a new federal fund to fix the problem.

Buttigieg has previously come out in favor of a carbon tax as his main environmental position.

His environmental justice plan follows the April rollout by New Jersey Sen. Cory Booker, another Democratic presidential candidate, of a platform for EPA, with a focus on environmental justice and boosting enforcement in minority-heavy areas.